

36<sup>th</sup> Edition Feb. 2018

## Introducing Summer Networking Event & Live BBQ

Join us on Friday 6 July 2018

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# Welcome to the latest edition of the PReSs

The latest version of the “How to Rent” booklet was published on 17 January 2018 and it is important that landlords and agents check to ensure that the current version is provided to tenants at the start of a tenancy. The current version applies on the day the tenancy began, and not the date the tenancy was signed. Many tenancies are signed before the start date and if a tenancy was signed before the 17 January but did not commence until after the 17<sup>th</sup> January it is important the latest version is provided otherwise any s21 Notice will be invalid.

You do not need to provide the new booklet to existing tenants, whilst the current tenancy continues. If a new fixed term is signed or the fixed term becomes a statutory periodic tenancy, then the new booklet will need to be provided. You are strongly advised to ensure that you do not allow a statutory periodic tenancy to be created otherwise, if the council tax is not paid, the Council can legally demand payment from the landlord. The Residential Landlords Association tenancies, along with many other tenancies templates, now state that at the end of the fixed term a contractual periodic tenancy would be created which removes the landlords’ liability for council tax.

The requirement to have an annual gas appliance and flue checks will be effective from April 2018, so follow the “MOT” approach. If an inspection is carried out in the last 2 months of an existing certificate, the date the new certificate will commence will be the end date of the existing certificate. This will allow inspections to be scheduled earlier (so long as not more than 2 months from the certificate end date) without any detriment as no time will be “lost” from the existing certificate. You may have to check the documentation provided by the Gas Safety engineer as there may be some reluctance/delay to change forms to make the new standards clear.

The Government are steaming ahead with further proposals to regulate the PRS, following their realisation from the last snap general election that PRS tenants and the young were significant less liable to vote Conservative than other groups. There are currently around several consultations taking place and members are urged to make responses not only because you will obtain CPD points from ATLAS & LLAS, but also the Government are keen on hearing the voices of individuals. Some of the current consultation topics are Consumer Redress in Housing; Electrical Safety in PRS; Rent a Room Relief; Domestic PRS Minimum Energy efficiency; Tackling the Hidden Economy, licensing; the consultations can be access via <https://www.gov.uk/>

Hope you enjoy this edition

Dave Princep (Chair of LLAS & ATLAS)

## Online CPD Courses

Legionella

HHSRS (Housing Health Safety Rating System)

Repairing obligations

Tenancy Deposits etc.

Book online at [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)

# A NETWORKING EVENT WITH A DIFFERENCE

Friday 6<sup>th</sup> July 2018 | 12pm - 6pm

**The LLAS & ATLAS invites you to the Summer Networking & BBQ event this July in London.**

Set in the heart of Westminster, near Whitehall, Big Ben and House of Parliament, St. James Courtyard is one of the Capital's most idyllic spaces, set around a historic cherub-ordained Victorian Fountain and ideal for **LLAS/ATLAS** BBQ networking event.

- >> Presentations will be on everything that is topical in the private rented sector
- >> Enjoy the popular PRS Quiz
- >> Enjoy the BBQ and drinks
- >> Meet with fellow professionals across the Housing Sector
- >> Have opportunity to network with sponsors of the event
- >> Meet and chat with the speakers
- >> Network and share good practice
- >> Relax and enjoy the company of other like-minded professional property investors in the splendour of the fabulous surroundings of the Taj Hotel
- >> Accredited landlords & agents earn **10 CPD points** for their attendance



Book online at [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)





Tickets are **60.00** for accredited landlords, agents, LA staff & LLAS trainers & Regular tickets are **£70.00**

Call us on **020 7974 2839**  
or email **llas@camden.gov.uk**



Book online at **[www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)**

# Specialist landlord & tenant lawyer - Tessa Shepperson answers landlords' FAQ. Important information about section 21 notices

You may remember that in 2015, new rules were introduced under the Deregulation Act 2015 which applied to all tenancies which started or were renewed on or after 1 October 2015.

These new rules were as follows:

- You must have served an EPC and a Gas Safety certificate on the tenants before the start of the tenancy
- You must also serve the governments 'How to Rent' booklet
- You cannot serve a valid section 21 notice within 6 months of service of a Local Authority Improvement Notice (plus two other less common notices) and
- If the tenant has previously complained about items listed on the improvement notice, this will invalidate any section 21 notice served since then
- You need to use the new prescribed form 6a
- This cannot be served during the first four months of the initial term of the tenancy
- Most two-month notices need to be used within 6 months of the start of the notice but some notices with longer notice periods must be used within four months of the date given in the notice.

Note that as **from 1 October 2018**, these rules will apply to ALL assured shorthold tenancies – not just those which started or were renewed after 1/10/15. For example, to very old tenancies such as those going back to the 1990's.

## **A problem with Gas Safety Certificates**

There is also a problem regarding these certificates which under the rules need to be served before the start of the tenancy. The previous view was that late service of the gas certificate would not prejudice service of a valid section 21 notice so long as it was served before the s21 notice. However, according to a recent County Court appeal case in London, this is not correct and because of the wording of the gas regulations, failure to serve the gas safety certificate before the tenancy starts is a fatal error which cannot be rectified. Meaning that the landlord cannot use section 21. Although this is a County Court case, it is binding in London Courts as it went to appeal, and also the Judge who heard the appeal is a highly respected housing lawyer. The general view among the experts is that this was the right decision under the law.

However, it is unclear how or whether this can be rectified, for example, by giving a new tenancy agreement and serving the notice before THAT tenancy. Also, I am sure a lot of older tenancies are non-compliant and it is unclear how this ruling will affect them. This is an unfortunate situation. But please ensure, going forward, that all your tenancies are complaint and that EPC's and Gas Safety certificates are served before the tenants are given the keys AND that you are able to prove this – for example by having a copy signed and dated by the tenant as having been received.

Note that this is an issue which will be covered in our forthcoming Landlord Law Conference – find out more about this at [www.landlordlawconference.co.uk](http://www.landlordlawconference.co.uk).

**Tessa Shepperson**

**Read more from Tessa at [www.landlordlawblog.co.uk](http://www.landlordlawblog.co.uk)**





# Landlord Law Conference

18th May 2018

Sprowston Manor Hotel, Norwich



The ONLY major conference for landlords and letting agents concentrating on legal issues



## Conference talks from legal experts:

- Barrister Sam Madge-Wyd with an update on the last year
- Solicitor David Smith - HMOs and Right to Rent
- Peter Marcus - Tenancy Agreements and the Courts
- David Cox - Letting Agent Regulation
- Mike Morgan - Tenancy Deposit Adjudications
- Robert Brown - Avoiding Problems with Section 21
- Peter Marcus - Unlawful Eviction and the Courts
- Ben Reeve Lewis - Identifying Rental Fraud

“A great deal of relevant content for a one day session so well planned and managed. Excellent quality speakers”

Claire Baron, SAB

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[www.lllconf.co.uk](http://www.lllconf.co.uk)

## Do you have a property to let in Lewisham?

Lewisham Council runs two schemes to meet your needs.



### Lewisham Landlord Letting Scheme

With this scheme you manage your property yourself on an Assured Shorthold Tenancy. Benefits include:

- one-off cash payment for new landlords
- continuous supply of tenants
- four-week deposit bond
- free professional inventory
- fast-track payments from tenants on housing benefit.

### Private Sector Leasing Scheme (PSL)

With the PSL scheme, we manage your property for you. Benefits include:

- guaranteed rent 52 weeks a year
- protection from LHA changes
- no void or bad debts
- professional housing management services
- property inspections.

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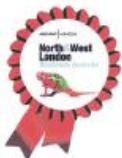
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Tessa Shepperson

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[www.landlordlaw.co.uk](http://www.landlordlaw.co.uk)

*"Landlord Law's great documents, information and customer support have been a God send and helped put me on the right path when I started out as a novice landlord. Thank you Landlord Law!" John Meades, Landlord*



# Buy-to-Let Challenges for Landlords in 2018

Two things have happened in the private rented sector (PRS) affecting small-scale landlords since the Brexit vote: there's been a rapid slow-down in new investment as confidence took a knock, and buy-to-let lending criteria is tightened. Secondly, there has been no slow-down in the legislation steam roller hitting landlords and letting agents.

There is no doubt, private landlords operating in the residential letting sector have taken a real beating over the last 18 months or so. Negative media coverage and what appears to be a regulatory tirade and tax grab by the government has the average landlord (and 90% of those in the UK own under 3 rental properties) feeling like 21<sup>st</sup> Century pariahs.

Private landlords have never been much revered or respected for the work they do by society, and have often been put on a par with, or even below, used car sales persons, journalists and politicians? But the resurgence of renting in the UK following the abolition of protected rents, in the 1990s and 2000s, changed the landlord demographic completely.

Out went the rich landed-gentry absentee landlord and in came the middle class investor; the buy-to-let saver, the movers and shakers, the striver and the pensioner saving for his or her retirement. This was to be achieved by owning one, two or several rentals, when the alternatives; the banks and building societies, which were paying paltry interest, stocks and shares, all volatile and risky, and pension schemes, which saw one financial crisis after another.

The result was a boom in rental property ownership at a time when demand for renting soared. On the one hand quantitative easing and low interest rates put property asset prices beyond the reach of many young people, and job mobility meant that they often preferred to rent in any case. At the same time, local authorities stopped building council housing, even as many were being sold off, transferring the responsibility of housing thousands of erstwhile social tenants and families to the private sector.

Housing charities often highlight the amount of money government spends on housing social tenants in the private sector, but they fail to point out that this is money that would otherwise have been spent by councils, and perhaps to an even greater degree.

There have been several consequences to this sequence:

1. The buy-to-let boom had been such that the government and the Bank of England became concerned about the amount of money out on buy-to-let loans, and the effect of this should there be another 2008 style slow-down (crash). This led to a plethora of legislation to tackle rouge landlords, legislation that affects all landlords, a crackdown on buy-to-let mortgage availability and a more punitive tax regime for landlords.
2. The government came under increasing pressure to do something about the "housing crisis"; the way a minority of rouge landlords were treating mainly social tenants, and the inability of the young to get onto the housing ladder.
3. The government, financial institutions and large property developers became aware of the huge potential of the growth of residential renting in the UK and started to invest in large developments of rental housing, all to be professionally managed US style, following substantial government incentives.

The result is that confusion reigns for many landlords and agents in the UK residential private rented sector (PRS), with pressure groups from all sides impacting on them, and a rental property market that has seen seismic change over the last 20 years. Despite all of this, the UK rental market (PRS) is still growing (albeit now more slowly and perhaps unequally) despite the changes.

Many would have expected a large decrease in the number of rental properties on the market after the tax changes, namely the reduced mortgage interest rate relief and increase stamp duty on second homes. But recent research shows that although some landlords are selling, or selling off a part of their portfolios, many are still in the market for buying, especially in locations giving very income good yields, the North West for instance.

There are significant regional variations with London in particular seeing decline, but four other major UK cities are said to have experienced double-digit increases, while other areas recorded falls. However, despite all the above, hurdles for buy-to-let landlords to contend with in 2018, there are still more challenges to come. One of these is the controversial announcement in the Chancellor's Autumn Statement about a ban on letting agents' fees for tenants, now not likely to be introduced before next year.

The details are still to be decided, but ostensibly letting agents will not be allowed to charge fees to tenants covering administration charges, which may include referencing or credit and immigration checks etc., the costs of which are likely to be transferred to landlords. Apart from the impact of this on letting agents, where more landlords may try to defer these extra costs by doing more of their tenancy management themselves, there is likely to be an attempt to recoup at least some of the extra cost by increasing the rents.

The Association of Residential Letting Agents (ARLA) says that almost half of UK landlords, when questioned, said they would move to self-management "if their profits were being squeezed", despite claims from some quarters that letting agents not only save landlords almost £2000 per year, they make their lives much less stressful.

The profits squeeze is already on the cards for those landlords with large mortgages, and especially for high and higher rate taxpayers, after April this year, when the new (mortgage interest) tax regime comes into force. It has been estimated that some 400,000 landlords could be pushed up into a higher tax bracket.

Another considerable threat on the horizon for many buy-to-let landlords, particularly as a large proportion operate with older low energy efficient properties, is the new legislation due to come into effect in April 2018, which will make it unlawful to let rented property with a poor energy efficiency rating.

Rental properties, from April 2018, will all need to have an Energy Performance Certificate (EPC) with an E rating or better. Figures published by the Residential Landlords Association (RLA) indicate that there are less than 0.1 per cent of UK rental properties with an A rating, 35.5 per cent in the D category and nearly 8 per cent of the total (about 432,000) in bands F and G. The cost to landlords of bringing these latter categories up to standard is likely to be considerable

## **Future Growth**

Research carried out by The Royal Institution of Chartered Surveyors (RICS) indicates that the number of UK households in the PRS rose from 2.3m in 2001 to 5.4m in 2014. RICS is predicting that by 2025 this figure could increase by around 1.8m.

On the rent front, Savills has predicted that by 2021 rents will have risen by just short of one fifth – almost 20%. That is 6 per cent age points faster than their prediction on house price rises, at 13 percent, over this same period.

Changes mean higher rents, lower initial tax take.

Landlord bashing has been particularly harsh over the past couple of years, but given the need for rental housing in the UK there is a certain irony in that, the stamp duty land tax take (receipts) has been downgraded by the Office of Budget Responsibility due to fewer residential transactions taking place. The Laffer effect, the inverted U curve which shows that beyond a certain point, tax increases actually reduce total take revenue, appears to be at work here.

As we go into 2018, landlords are likely to be more concerned about costs and the additional services they are paying for. It could certainly lead to a downturn in the demand for agents' services and more competition between agents. However, some landlords would still prefer to use agents rather than tackle all the new regulations. Internet-based agencies that provide a basic service at a lower cost may gain market share?

With the tightening of landlords' profit margins will come pressure on landlords to raise rents. Belvoir Lettings (BLV), which operates a network of 300 franchised offices across the UK, has forecasted that rents will rise by 15 per cent over three years.

Estate agents Savills is making similar predictions, that rents will rise 19 per cent on average by 2021; this they argue will be faster than house price rises over the same period, which it forecasts will rise by 13 per cent. In London Savills thinks rents will rise by nearly 25 per cent over that period.

Buy-to-let landlords have been victims of their own success. The government has clamped down on the rapid growth of the private investment market, and what they see as the excessive borrowing of some private landlords. Through taxes and mortgage restrictions the rapid growth as it once was has been curtailed, but not stopped. Buy-to-let still offers a good return on investment for many people, compared to alternative kinds of investment.

**Tom Entwistle is Editor of LandlordZONE® and an experienced landlord.**



**Do you own an empty property in Brent?**

For a two bed property you could get up to **£26,000** in grant aid for conversion and refurbishment works **plus** receive an average rental income of **£14,500** per year.

To find out how you can benefit from the scheme, call us now on **020 8937 2535/020 8937 2539** or email **[empty.property@brent.gov.uk](mailto:empty.property@brent.gov.uk)**

The Brent logo consists of a stylized, colorful flower-like symbol made of four interlocking loops in red, green, blue, and yellow, followed by the word "Brent" in a bold, black sans-serif font.



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Why not convert your empty property into regular income

## Ask us about grants

that are available to bring your property back into use and how you can rent it back to the council.

For more information:

tel: 020 8359 4475 email: [housingconditions@barnet.gov.uk](mailto:housingconditions@barnet.gov.uk)  
or visit [www.barnet.gov.uk/empty\\_properties](http://www.barnet.gov.uk/empty_properties)

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LONDON BOROUGH

## Do you have a property available to rent in Medway? Join our private Rented Scheme.

**Medway Council is actively looking for affordable rental accommodation of various sizes to meet the needs of a wide variety of tenants.**

The council provides landlords with an introduction to prospective tenants. Where a letting is agreed, landlords will be able to access a number of incentives (dependent on property size, area, rent charged).

Some benefits of joining the Private Rented Scheme (PRS):

- There are no fees or commission payable for this service
- For new landlords there is help and assistance with accessing the lettings market
- There is assistance with completing housing benefit forms
- It saves landlords time and money, as there is no advertising and can reduce the amount of time a property is left vacant
- Ongoing tenancy support assistance

If you are a managing agent or if you own a property which you wish to offer a client from the council please contact us. One of our officers will be in touch with you to discuss the scheme in further detail.

For more information about the PRS phone: **01634 333053** or email: [lenka.trent@medway.gov.uk](mailto:lenka.trent@medway.gov.uk)

## London Borough of Tower Hamlets Landlord Forum 2018 Dates

- Tuesday 20 March 2018, from 5.00pm to 7:00 pm
- Tuesday 19 June 2018, from 3:00pm to 5:00 pm
- Monday 17 September 2018, from 3:00pm to 5:00 pm
- Wednesday 12 December 2018, from 5:00pm to 7:00 pm

**At:** Room 701, Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

## London Borough of Southwark Landlord Forum

**Date:** Thursday 22 March 2018

**Time:** 18:00-20:00

**Venue:** 160 Tooley Street, London SE1 2QH

An event to build on our partnership work with private landlords, managing and lettings agents with a number of key updates on relevant legislation

**RSVP:** Jerome Duffy Email: [jerome.duffy@southwark.gov.uk](mailto:jerome.duffy@southwark.gov.uk) Tel: 020 7525 4197

## Hammersmith & Fulham Landlord Forum

**Date:** 14 May 2018

**Venue:** Hammersmith & Fulham Council, Town Hall, Small Hall, King Street, London W6 9JU

**Time:** Registration from 9:30am, start 10:00 & finish by 4:30

- Do the fire doors in your property meet the legal required standards?
- Do you know how to change them if they don't?

Come along to the Hammersmith & Fulham Landlord Forum where the London Fire Brigade will give a presentation on fire safety and what is required of rented properties to keep tenants safe. While there, you can also find out everything that H&F Council is doing following the recent law changes affecting the private rented sector and learn more about our new licensing schemes.

**Refreshments will be provided.**

Places are limited to book early. Contact Debbie Ricketts on 020 8753 1258 or

Email: [debbie.ricketts@lbhf.gov.uk](mailto:debbie.ricketts@lbhf.gov.uk)

## London Borough of Lambeth Landlord Forum

**Date:** Tuesday 20 March 2018,

**Time:** 6:15pm to 8pm

**Venue:** Evolve Housing, 40 Stockwell Road SW9 9ES

### Free Event

There will be opportunities to network with landlords, agents and staff, as well as presentations relating to private renting. A couple of hours spent at the forum could prove beneficial in the long-term.

We will have a range of refreshments including Kosher, Vegan and Halal choices.

There is no need to pre-book, you can just turn up. For more information, please contact George Knight, Lambeth Property & Lettings Coordinator via email:

[gmknight@lambeth.gov.uk](mailto:gmknight@lambeth.gov.uk)

Evolve Housing, is 2 a minute walk from Stockwell underground station and is served by bus routes 196, 345 2, and 333.

## Medway Landlord Forum 2018 Dates

Thursday 26 April 2018 & Wednesday 17 October 2018

**Venue:** Gun Wharf, Dock Road, Chatham, ME5 0HZ

**Time:** First session 1pm - 4pm, registration from 12.30pm

**Time:** Second session 5.30pm - 8.30pm, registration from 5pm

For further info & to book a place, please email **Lenka Trent** at [lenka.trent@medway.gov.uk](mailto:lenka.trent@medway.gov.uk)

## London Borough of Harrow Help2Let Landlord Forum 2018 Dates

- Tuesday 27 March 2018, from 6pm to 9pm
- Wednesday 20 June 2018, from 6pm to 9pm ,
- Wednesday 12 September 2018, from 6pm to 9pm
- Wednesday 5th December 2018, from 6 to 9pm

**Venue:** Council Chamber, Harrow Civic Centre, Station Road, Harrow, HA1 2XY

Refreshments will be provided on the day

To register your interest, please email Help2let with your contact details.

Email: [Landlords@help2let.co.uk](mailto:Landlords@help2let.co.uk)



# London Borough of Haringey Homes for Haringey Landlords' Forum

**Date:** Wednesday 14 March 2018

**Time:** from 5:30pm

**At:** Council Chamber, Civic Centre, Wood Green, High Road, London, N22

**Refreshments will be served from 5.30pm**

- 6.00 Chair's welcome and introduction - Alan Benson
- 6.05 London Fire Service
- 6.25 Homelessness Reduction Act - Laura Wilson
- 6.45 Universal Credit - Phyllis Fealy
- 7.05 Panel Questions
- 7.30 Close



## UNIVERSITY OF LONDON LANDLORD FORUM

### You're invited

Monday 19th March 2018

5pm - 8pm

At Senate House, University of London

Malet Street, London WC1E 7HU

## Join us at the Landlord Forum

A unique opportunity to network with fellow London landlords and industry professionals. Get information, updates, and advice on letting privately to students and others. This **free** annual event is a must for anyone who lets properties in London or is interested in the student market.

Accredited landlords can pick up **5 CPD points**. Refreshments provided.

You can meet **exhibitors** from property-focused businesses, Local Authorities as well as other landlords. Our **expert speakers** will keep you up-to-date on the latest issues affecting you as a landlord and you will have a chance to put your questions to them in a lively **Q&A session**.

Register at [https://www.eventbrite.co.uk/e/university-of-london-landlord-forum-2018-registration-42901954902?aff=ULHS&dm\\_t=0%2C0%2C0%2C0%2C0](https://www.eventbrite.co.uk/e/university-of-london-landlord-forum-2018-registration-42901954902?aff=ULHS&dm_t=0%2C0%2C0%2C0%2C0)



Homes for Haringey

On behalf of Haringey Council

# Announcing our new Private Rented Sector Guaranteed Rent Scheme

## THE GUARANTEED PRIVATE RENTED SECTOR OFFER.

This is simply an Assured Shorthold Tenancy where the Local Housing Allowance (LHA) rent is guaranteed to the property owner. The scheme also attracts an incentive determined by the bed size.

Initially we are looking to limit the scheme to the properties in the London borough of Haringey. The Council have a robust tenancy sustainment team and will always be on hand to provide all necessary support when required.

We have tenants waiting and could get someone to occupy your property as quickly as possible, subject to inspection. Please contact us on **0208 489 1010** if you would like to know more about the scheme or considering offering your property to the Council

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Do you want immediate tenants for your property? **YES.**

Would you like someone to help you find tenants at no cost to you? **YES.**

Then let Newham Council find you a tenant **for free** with no hidden fees or commission.

### What we offer:

- > Up to £3,000 towards your rent
- > Deposit bond – a value of six weeks' rent, or
- > One month's rent in advance
- > One month's cash deposit

We also pay you £200 to reserve your property.

If you have properties to let, or would like to find out more about our Private Rented scheme, contact the Housing Supply Team direct on: [PRSupply@newham.gov.uk](mailto:PRSupply@newham.gov.uk) or 020 3373 1149  
[www.newham.gov.uk/privatelandlords](http://www.newham.gov.uk/privatelandlords)

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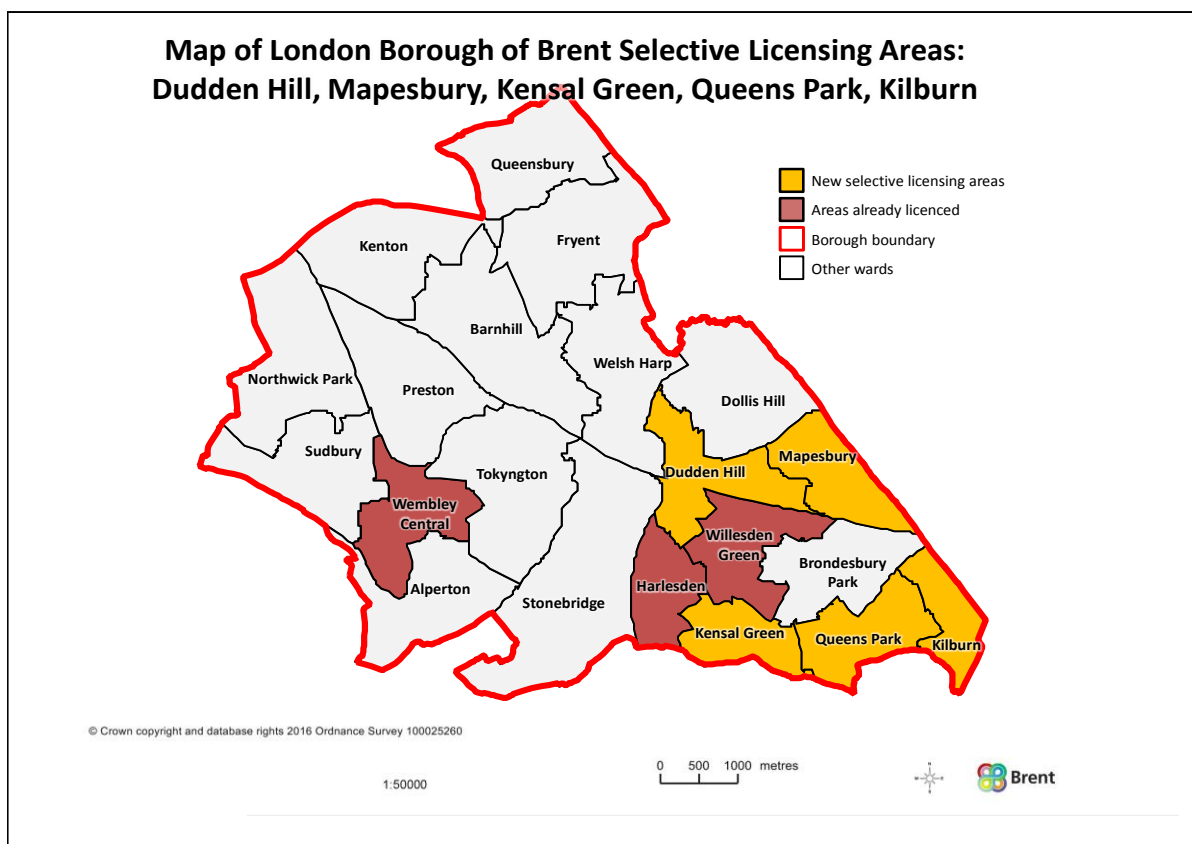
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Notice of Designation of an Area for Selective Licensing

**The London Borough of Brent Council Designation for an Area for Selective Licensing 2018 - No: 1**  
**This notice is published in accordance with Sections 80 to 84 of the Housing Act 2004 and Regulation 9 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006.**

The London Borough of Brent Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) gives notice that it has designated for selective licensing the area described in paragraph 4, and as delineated on the map at Annex A.

**Annex A - Paragraph 4: Map of London Borough of Brent Council with the electoral wards Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park bordered and shaded yellow comprising designation area no.1**



1. The Designation may be cited as the London Borough of Brent Council Designation for an Area for Selective Licensing 2018 - No: 1
2. The Designation was made by the Cabinet of the London Borough of Brent Council on 19<sup>th</sup> June 2017 and shall come into force on 1st June 2018.
3. The Designation falls within a description of designations for which confirmation is required by Secretary of State under the General Approval issued on 1 April 2015. The Secretary of State has confirmed that the designation shall come into force 1<sup>st</sup> June 2018.
4. The Designation shall cease to have effect on 30th April 2023 or earlier if the Council revokes the scheme under section 84 of the Act.
5. 4. This Designation shall apply to the **electoral wards Dudden Hill, Kensal Green, Kilburn, Mapesbury and Queens Park bordered and shaded yellow comprising designation no.1**. The wards of Harlesden, Wembley Central and Willesden Green in the London Borough of Brent which are shaded red in **Annex A** and are already designated as the *London Borough of Brent Council Designation for an Area for Selective Licensing 2014*.



The Designation applies to any house which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless-

- (a) the house is a House in Multiple Occupation (HMO) and is required to be licensed under Part 2 of the Act;
- (b) the tenancy or licence of the house has been granted by a registered social landlord;
- (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
- (d) the house is subject to a temporary exemption under section 86 of the Act; or
- (e) the house is occupied under a tenancy or licence which is exempt under the Act or the occupation is of a building or part of a building so exempt as defined in The Selective Licensing of Houses (Specified Exemptions)(England) Order 2006 – SI 370/2006.

6. The London Borough of Brent Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.

7. Upon the Designation coming into force on 1<sup>st</sup> June 2018, any person who operates a licensable property without a licence, or allows a licensed property to be occupied by more households or persons other than as authorised by a licence, is liable to prosecution under Section 95(1) of the Act, and upon summary conviction is liable to an unlimited fine, or a financial penalty not exceeding £30,000. A person who breaches a condition of a licence is liable upon summary conviction to an unlimited fine, or a financial penalty not exceeding £30,000.

In addition, such a person may be required to repay up to 12 months' rent if the tenant or the Council, in the case of housing benefit payments, apply to the Residential Property Tribunal under the provisions of section 96 and section 97 of the Housing Act 2004 for a rent repayment order. No notice under section 21 of the Housing Act 1988 may be given in relation to an assured shorthold tenancy of the whole or part of an unlicensed house so long as it remains an unlicensed house.

8. Any landlord, managing agent or tenant within the designated areas of the Borough should seek advice from the Council as to whether their property is affected by the Designation during normal office hours, which are: 9am to 5pm, Monday to Friday.

9. An application form, general advice and any further information regarding the Designation may be obtained from Private Housing Services at Brent Civic Centre, Engineers Way, Wembley, Middlesex HA9 0FJ; (Tel: 020 8937 2384/5 and e-mail: [PRSlicensing@brent.gov.uk](mailto:PRSlicensing@brent.gov.uk)).

10. The Designations in respect of selective licensing in the Council ward areas in the London Borough of Brent may be inspected at this address and a copy of the Designation can be obtained from Brent Council's website.

Signed

Chief Executive

For and on behalf of London Borough of Brent

## **RE- Accreditation training Dates for 2018**

If your accreditation has expire or about to expire and you don't have enough CPD points. Successfully complete the one day reaccreditation training and you will be reaccredited for another 5 years.

- 21 March 2018 - Camden
- 24 May 2018 - Camden
- 9 July 2018 - Harrow
- 25 July 2018 - Camden
- 19 September 2018 - Camden
- 28 November 2018 - Camden

**BOOK at** [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)

## Landlords do you have a property to let in the london area?

Camden Lettings offers great benefits to landlords and is tailored to protect you and your investment during a time of immense change in the sector.

With Camden Lettings you can choose between our free rent guarantee service, or generous **cash incentives** up to **£5000**.

The comparison chart highlights some of the key features of Camden Lettings:-

To get a quote, please contact the PRS Initiatives team on:

[camdenlettings@camden.gov.uk](mailto:camdenlettings@camden.gov.uk)  
**020 7974 4158**  
[camden.gov.uk/camdenlettings](http://camden.gov.uk/camdenlettings)

Camden Lettings	Cash Incentive	Rent Guarantee Service
Fully vetted prospective tenants. Checks includes immigration status, housing & credit history	Yes	Yes
All tenants attend tenancy training & receive 3 months support at the start of the tenancy	Yes	Yes
Rent paid directly to you the landlord	Yes	Yes
Choice of tenants so that you can decide who is most suited for your property	Yes	Yes
Tenancy Support Service, offering FREE specialist support and expert advice for landlords and tenants*	Yes	Yes
Generous Cash Incentive Payments	Yes	No
Guaranteed Rent up to 6 Months in advance	No	Yes
Free London Landlord Accreditation Scheme (LLAS) voucher worth £100	Yes	Yes
Fees payable	No	No

\*T's & C's apply



## Buy2Lease



A new Help2Let scheme for landlords

Let us do all the work

If you would like up to £5,000 financial help to buy a rental property in Harrow, this scheme is for you. This offer is to encourage growth in Harrow's private rented sector.

- Includes full management service
- 5 year lease - guaranteed payments paid 3 months in advance
- Offering you financial security and worry free letting
- Advice on property you are thinking of buying
- Money available now!

\*Terms and conditions apply



Call us on **020 8424 1605**  
 Email [landlords@help2let.co.uk](mailto:landlords@help2let.co.uk)  
[www.help2let.co.uk](http://www.help2let.co.uk)

Landlords, we have other schemes available. Call us for more details.



# The 10 most common issues and problems with tenancy agreements

Here is a list of 10 of the most common problems that arise with tenancy agreements:

## 1. Not having one.

This is NOT a good idea. For example if you have taken a deposit you have nothing to authorise making any deductions (so you will lose if you go to adjudication) and rent is always payable in arrears if there is no tenancy agreement term to say it is payable in advance.

## 2. Having the wrong type of agreement.

For example you will need a different type of agreement if your tenancy is not an AST or if you are renting a room in a shared house. I have a free guide you can see at <http://www.landlordlaw.co.uk/which-tenancy>

## 3. Not having a signed contract

This makes everything more difficult. Your tenants MAY be bound by the terms of the draft tenancy you gave them but it is not certain. And if they are allowed into the property before they sign, they can turn round and refuse to sign anything. NEVER let tenants in without getting the tenancy agreement signed first.

## 4. Not having a proper inventory

This is essential. If you cannot prove the condition of the property at the start, how are you going to be able to show that any damage is down to the tenants? For example at adjudication, if deductions from the deposit are disputed. Note that the inventory must either be signed by the tenants as agreed or (if they do not sign) it should be prepared by someone independent. As an adjudicator may not accept your unsupported evidence at adjudication.

## 5. Not protecting the deposit within the 30 days period

Note that it is within 30 days of receipt of the money. So if the money is paid to you more than 30 days before the tenancy is signed you will need to protect it earlier. Or be in breach of the tenancy deposit regulations (which means you can't serve a section 21 notice).

## 6. Not serving the prescribed information within the 30 day period

Again, this is essential. Service of the Prescribed Information is as important as protecting the deposit. NB If you have failed to comply with 5 and 6, there is guidance on Landlord Law to help here: <http://www.landlordlaw.co.uk/the-deposit-non-protect-guide>

## 7. Confusion with the dates.

It needs to be crystal clear on your agreement when the tenancy starts and when it ends. Ideally just have the one date, but it is acceptable to have a date when the tenancy is created (i.e. when it is signed) and a separate, later, date when it starts. For example if the agreement is signed in advance. But make sure it is clear which is which.

## 8. Leaving occupiers off the tenancy agreement

Everyone who is over 18 who is living at the property should ideally be on the tenancy agreement as a tenant (and referenced). Otherwise it can cause problems if the person who signed moves out leaving the person who didn't sign in occupation. Adult children should sign if they are to live there, but maybe not if they are living in college and only come back to stay in holidays. Ideally the tenancy agreement should also have a list of all occupiers who are not tenants who you have agreed to allow, who must all be checked under the 'right to rent' rules before they are allowed in. Your tenancy agreement should prohibit any occupiers who are not either a tenant or on this list.



## 9. Allowing tenants to move in before guarantees are signed

You must always get the guarantor to sign their guarantee deed, and also confirm they agree to the tenancy agreement terms (ideally get them to initial a copy) and attach this to the guarantee deed.

## 10. Not having initial payments in cleared funds

You need to make sure that the first rental payment and the deposit have been paid into your bank account and cleared before you allow the tenants into occupation. Then if it all goes pear shaped you will at least have something. In particular do not allow tenants to pay the deposit by instalments because you feel sorry for them. This will involve you in horrendous additional administration and could put you in breach of the deposit rules (and unable to use section 21) if all instalments are not protected within 30 days of payment.

### And finally

If you follow the advice here you should avoid the worst problems. However, be aware that renting property is heavily regulated and you need to inform yourself of your legal obligations.

Tessa Shepperson

Tessa is a specialist landlord & tenant lawyer. Read her posts daily on the Landlord Law Blog at [www.landlordlawblog.co.uk](http://www.landlordlawblog.co.uk) (where an earlier version of this article first appeared).

## Do you have a property to let in Lewisham?

Lewisham Council runs two schemes to meet your needs.



### Lewisham Landlord Letting Scheme

With this scheme you manage your property yourself on an Assured Shorthold Tenancy. Benefits include:

- ▶ one-off cash payment for new landlords
- ▶ continuous supply of tenants
- ▶ four-week deposit bond
- ▶ free professional inventory
- ▶ fast-track payments from tenants on housing benefit.

### Private Sector Leasing Scheme (PSL)

With the PSL scheme, we manage your property for you. Benefits include:

- ▶ guaranteed rent 52 weeks a year
- ▶ protection from LHA changes
- ▶ no void or bad debts
- ▶ professional housing management services
- ▶ property inspections.

Find out more – with no obligation.

[www.lewisham.gov.uk/landlords](http://www.lewisham.gov.uk/landlords) • 020 8314 7086 / 9772 / 6753



## 2018 Summer Networking Event & Live BBQ

Join us on **Friday 6 July 2018** & get a full update on everything you need to know about PRS BOOK NOW at [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)

# Know your gas safety responsibilities and protect your tenants

As a landlord you should be aware that you are responsible for the safety of your tenants. Your legal duties apply to a wide range of accommodation occupied under a lease or licence, including (but not limited to):

- Residential premises provided for rent by local authorities, housing associations, private sector landlords, co-operatives, hostels.
- Rooms, let in bed-sit accommodation, private households, bed and breakfast accommodation and hotels.
- Rented holiday accommodation such as chalets, cottages, flats, caravans and narrow boats on inland waterways.

The Gas Safety (Installation and Use) Regulations 1998 outline the duties of landlords to ensure gas appliances, fittings and chimneys/flues provided for tenants are safe.

## Your responsibilities

If you let a property equipped with gas appliances, you have three main responsibilities:

1. **Maintenance:** pipework, appliances and chimney/flues need to be maintained safely. Gas appliances should be serviced in accordance with the frequency given in the manufacturer's instructions. If these are not available, you should ask a Gas Safe registered engineer to service them annually.
2. **Gas safety checks:** An annual gas safety check should be carried out on each gas appliance/flue. This will ensure gas appliances and fittings are safe to use. There is a legal requirement on you to have all gas appliances safety checked by a registered engineer annually and you also need to maintain gas pipework and flues in a safe condition. This is UK law.
3. **Record:** [A record of the annual gas safety check](#) should be provided to your existing tenants within 28 days of completion, or to new tenants upon the start of their tenancy. If the rental period is less than 28 days at a time you may display a copy of the record in a prominent position within the dwelling. You'll need to keep copies of the record for at least 2 years.

If a tenant has their own gas appliance that you have not provided, you are responsible only for the maintenance of the gas pipework – not the appliance itself. It's also a good idea to ensure that your tenants know where/how to turn the gas off and what to do in the event of a gas emergency. Last, but certainly not least, make sure anyone carrying out gas work on your property is Gas Safe registered – this is not only the law, but the most important step to ensuring the safety of your tenants.

Some landlord/tenant relationships can become problematic, and tenants may refuse to give you access to the property. If this is the case, you should have a previously drawn up agreement with the tenant allowing you access to the property to ensure any maintenance or safety work is carried out. You'll have to take (and demonstrate that you have taken) all 'reasonable steps' to ensure the work is carried out – this can involve giving a tenant notice. If a tenant does refuse access, be sure to keep a record of any action taken as you may need this at a later date. The Gas Safety (Installation and Use) Regulations do not give powers to 'force disconnection' of the gas supply in these circumstances and you may need to seek legal advice.

If you let a property for a short period of time (e.g. a holiday home for a week) you still have gas safety duties as a landlord. Download the factsheet for more information on landlords' responsibilities for short term lets. At <https://www.gassaferegister.co.uk/media/1443/short-term-lets.pdf>

# Landlords must get to grips with mould under proposed new tenancy law

Tenants may soon have the right to sue landlords who let properties that aren't "fit for human habitation". The Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill, put forward by MP Karen Buck, has passed its second reading in Parliament. The Bill has now been sent to a Public Bill Committee for consultation and must go through several more stages before becoming law – but since it now enjoys government backing, this seems likely to happen in due course.

Landlords and letting agents already have to ensure properties are not kept in a state of "disrepair" and are obliged to repair heating, gas, water and electricity installations where broken or damaged. However, these obligations don't cover things such as fire safety, inadequate heating, or poor ventilation. As a result, there are a whole range of "fitness" issues that can seriously affect the wellbeing and safety of tenants, about which tenants can do nothing at all.

Under the current system, a tenant can request that a landlord make repairs and complain to the council if necessary work isn't carried out. Environmental health officers can visit a rental property to check for hazards under the Housing Health and Safety Rating System. Such hazards include mould, excess cold and fire risks. If any hazards are found, the council can compel the landlord to address them by issuing a formal enforcement notice and, if the problem is not rectified, prosecute the landlord. However, tenants' campaign groups complain that it's pot luck as to whether a council acts on a tenant's complaint or has the resources to follow it up.

## Enforcing the law

Buck's bill doesn't put in place any new standards for landlords, but seeks to achieve better enforcement of existing laws and regulations. If the bill becomes law, tenants will be able to take direct action against landlords where the council hasn't, or can't. In effect, this means those who rent will be able to take their landlord to court for breach of contract if their property isn't fit for human habitation at the beginning of the tenancy and throughout. So if it passes, it will be more important than ever that landlords inspect properties regularly, fix defects, and keep accurate records.

The bill has generally been welcomed by the property industry. However, there are concerns that enabling tenants to seek action against their landlords through the courts could give lead to a raft of unjustified claims for compensation. Despite this, the Residential Landlords Association is supporting the bill, saying it is "not a charter for spurious tenant complaints". Under the proposals, tenants with complaints about the state of a property would first need to raise their concerns with their landlord and provide sufficient time for the landlord to respond. Only after that could they go to court. Even then, the court would need to be satisfied that the concern raised by the tenant was not related to a problem of their own making (for example, condensation and mould caused by a tenant's lifestyle).

Source <https://moneyweek.com/landlords-must-get-to-grips-with-mould/>

## Useful links

LLAS – [www.londonlandlords.org.uk](http://www.londonlandlords.org.uk)

ATLAS- [www.atlas.org.uk](http://www.atlas.org.uk)

RLA – [www.rla.org.uk](http://www.rla.org.uk)

SLA – [www.southernlandlords.org](http://www.southernlandlords.org)

Landlord Law – [www.landlordlaw.co.uk](http://www.landlordlaw.co.uk)

TDP (The Deposit Protection Service) – [www.depositprotection.com](http://www.depositprotection.com)

Landlordzone – [www.landlordzone.co.uk](http://www.landlordzone.co.uk)

Accreditation Network UK (ANUK) – [www.anuk.org.uk](http://www.anuk.org.uk)

Landlord's useful links and information – [www.landlords-uk.net](http://www.landlords-uk.net)

Fire Protection Centre – [www.fireprotectioncentre.com](http://www.fireprotectioncentre.com)

Direct Gov UK: Advice for tenants and landlords – [www.direct.gov.uk](http://www.direct.gov.uk)

Gas Safe Register – [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)

National Inspection Council for Electrical Installation Consulting (N.I.C.E.I.C) – [www.niceic.org.uk](http://www.niceic.org.uk)

Online Planning and Building Regulations Resource – [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

The Residential Property Tribunal (RPTS) – [www.rpts.gov.uk](http://www.rpts.gov.uk)

Health and Safety Executive – [www.hse.gov.uk](http://www.hse.gov.uk)

HM Revenue & Customs – [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

The Court services – [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

The Office of Fair Trading – [www.oft.gov.uk](http://www.oft.gov.uk)

The Department of Business Innovation & Skills – [www.berr.gov.uk](http://www.berr.gov.uk)

**Online CPD Courses**  
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